# IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

| ENRIQUE QUIROZ, Deceased,           | § |                                 |
|-------------------------------------|---|---------------------------------|
| Through JOSEPHONE SALAZAR           | § |                                 |
| Individually, and as NEXT FRIEND OF | § |                                 |
| J.R.S, E.F Q, AND E.Q. Minors;      | § |                                 |
| MERCEDES QUIROZ, JASMINE            | § |                                 |
| QUIROZ, ANDREW RAMIREZ AND          | § |                                 |
| CHRISTINA ESPINOZA as NEXT          | § |                                 |
| FRIEND OF H.E., A MINOR,            | § | CIVIL ACTION NO. 1:21-cv-443-LY |
| Plaintiffs,                         | § |                                 |
|                                     | § |                                 |
| v.                                  | § |                                 |
|                                     | § |                                 |
| OFFICERS EDUARDO PINEDA,            | § |                                 |
| SPENCER HANNA, ZANE                 | § |                                 |
| DOWDELL, LUCAS PARKER, and          | § |                                 |
| WILLIAM LEGGIO and CITY OF          | § |                                 |
| AUSTIN, TEXAS,                      |   |                                 |
| Defendants.                         |   |                                 |

# JOINT MOTION FOR CONTINUANCE AND TO AMEND SCHEDULING ORDER

TO THE HONORABLE ROBERT PITMAN, UNITED STATES DISTRICT JUDGE:

THE PARTIES, by and through legal counsel, including all of the Plaintiffs and Defendants, file this Joint Motion for Continuance and to Amend Scheduling Order, and respectfully state the following:

- 1. The current scheduling order [Doc. 30] sets this case for trial on July 31, 2023 and sets August 16, 2022 as the deadline for Plaintiffs to designate any testifying expert. On March 30, 2022 Plaintiffs filed their Second Amended Complaint [Doc. 33] naming three additional defendants.
- 2. The Travis County Grand Jury has yet to convene regarding the potential pending charges against Defendants Hanna and Pineda pertaining to the incident which is the basis of this case. As a result, the usual and ordinary discovery has been delayed. The Plaintiffs and Defendants

respectfully submit that it would be better for the interests of all parties for the current scheduling order [Doc. 30] to be amended, and the Parties do hereby jointly request for the Court to consider and enter the amended scheduling order attached as **Exhibit A** to this motion which extends the deadlines in this case.

3. Additionally, the Parties request for the Court to continue this case from its current trial setting of July 31, 2023 to a later date that is convenient for the Court.

#### PRAYER FOR RELIEF

For the above stated reasons, the Parties, including all Plaintiffs and all Defendants, respectfully request that the Court enter the Amended Scheduling Order attached as **Exhibit A** and continue the case from its current trial setting of July 31, 2023 to a later date convenient for the Court.

#### RESPECTFULLY SUBMITTED,

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ATTORNEY FOR DEFENDANTS EDUARDO PINEDA and SPENCER HANNA

# **CERTIFICATE OF CONFERENCE**

I certify that on August 16, 2022, I conferred via email with Counsel for Plaintiffs, Bobby Taylor, and Counsel for Defendants Hanna and Pineda, attorney Blaire Leake, and they each advised that they are not opposed to this Motion for Continuance and to Amend Scheduling Order.

/s/ Monte L. Barton, Jr. MONTE L. BARTON, JR.

# **CERTIFICATE OF SERVICE**

I certify that on August 16, 2022, I served a copy of the Joint Motion for Continuance and to Amend Scheduling Order on all parties, by and through their attorneys of record, in compliance with the Federal Rules of Civil Procedure.

# **Via CM/ECF:**

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